

### **REMARKS**

Claims 17-19, 21-23, 33-41 and 43-47 are currently pending. Claims 46-47 have been added and claims 20 and 42 have been cancelled. Claims 17, 33, and 39 have been amended.

Applicants thank the Examiner for his time and assistance provided during the telephone call on February 10, 2005. During this discussion we reviewed how the Examiner is reading the claims and particularly the word "connectable." In light of these discussions, we have amended the independent claims to place them in a more favorable condition.

The Examiner objected to claims 20, 34, and 42 under 37 C.F.R. 1.75(c) as being improperly dependent. Claims 20 and 42 have been cancelled, thereby traversing the objection. Claim 33 has been amended to include the electronic device in the body of the claim rather than the preamble. As such, claim 34 is a proper dependent claim.

The Examiner rejected claims 39-45 under 35 U.S.C. §112, second paragraph. Specifically, the Examiner argues that "the motorcycle" in claim 39 lacks antecedent basis. Claim 39 has been amended to provide proper antecedent basis for the motorcycle, thus traversing the 35 U.S.C. §112 rejection of claims 39-45.

The Examiner rejected claims 17-18 and 20-22 under 35 U.S.C. §102(b) as being anticipated by Murayama (U.S. Patent No. 4,473,251). The Examiner also rejected claims 17-19 and 21-22 under 35 U.S.C. §102(b) as being anticipated by Willey (U.S. Patent No. 5,732,965). In addition, the Examiner rejected claims 17-18, 20, and 22-23 under 35 U.S.C. §102(e) as being anticipated by Stanberry (U.S. Patent Publication No. 2002/0131606).

Amended claim 17 defines a break-away mounting system for mounting an electronic device to a motorcycle that includes a motorcycle riser having an upper portion and a lower portion that at least partially attach a handlebar to the motorcycle. The break-away mounting

system includes a first bracket that is connected to at least one of the upper portion and the lower portion with a fastener. A second bracket is connected to the electronic device and is detachably connected to the first bracket. Rotation of the second bracket relative to the first bracket disengages the second bracket from the first bracket.

Murayama does not teach or suggest, among other things, a break-away mounting system that includes a first bracket that is connected to at least one of the upper and lower portion of a motorcycle riser with a fastener. Rather, Murayama discloses an audio device for a motorcycle that attaches to the front cowl. The front cowl 1 is attached to the body of the motorcycle. *See col. 2, line 16*. An outer case 24 (first bracket as identified by the Examiner) is connected to the front cowl 1 using a plurality of screws 25. An audio control unit 52 is disposed within a case 53 (second bracket as defined by the Examiner) that is engageable with the outer case 24. While the front cowl 1 is attached to the body of the motorcycle, there is no discussion of the cowl 1 being connected to a riser. As is well known in the motorcycle art, a riser facilitates the attachment of the handlebar to a motorcycle. Thus, the riser must move with the handlebar to steer the motorcycle. However, Murayama states that the motorcycle includes a steering handle 3 that may be movable *independent* of the cowl 1. *See col. 2, line 18-20*. If the steering handle 3 is movable independent of the cowl 1, the riser, which supports the steering handle 3, must also be movable *independent* of the cowl 1. Thus, neither the outer case 24 nor the case 53 can be attached to the motorcycle riser with a fastener, as this connection would tie the cowl 1 to the riser such that the two components could not rotate independent of one another.

Willey does not teach or suggest, among other things, a break-away mounting system that includes a first bracket that is connected to at least one of the upper and lower portion of a

motorcycle riser with a fastener. Rather, Willey discloses a mounting system for a motorcycle accessory. The system includes a pair of anchors 60, 66 that are supported by a bracket 54 that includes left and right hand halves 56, 58. The left and right hand halves are secured to the upper portion of the fork assembly 12. A latch mechanism housing 74 attaches to the anchors 60, 66 to attach the accessory to the fork assembly 12. The Willey device is not connected to a riser nor is it connected to a riser using a fastener.

Stanberry does not teach or suggest, among other things, a break-away mounting system that includes a first bracket that is connected to at least one of the upper and lower portion of a motorcycle riser with a fastener. Rather, Stanberry discloses a motorcycle audio system that includes a housing that receives a conventional audio device and is mounted to the windshield assembly of the motorcycle. The Examiner points to a housing 2 as a first bracket and to Fig. 6A including rotatable screw 48 as the second bracket. However, Fig. 6A illustrates the attachment of an antenna to the first bracket and teaches nothing regarding mounting the first bracket 2 to the motorcycle. Furthermore, nothing in Stanberry teaches or suggests connecting the audio system to the riser. Rather, the system is clearly described as being attachable to a windshield.

In light of the foregoing, each of Murayama, Willey, and Stanberry fails to teach or suggest each and every limitation of claim 17. As such, claim 17 is allowable. Claims 18-19, 21-23 and 46 depend from claim 17 and are also allowable.

The Examiner rejected claims 33-37, 39-43, and 45 under 35 U.S.C. §102(b) as being anticipated by Willey (U.S. Patent No. 5,732,965).

Amended claim 33 defines, a break-away mounting system for a motorcycle having a motorcycle riser. The break-away mounting system includes an electronic device and a first

bracket connected to the motorcycle riser. A second bracket is connected to the electronic device and is detachably connected to the first bracket. Rotation of the second bracket relative to the first bracket disengages the second bracket from the first bracket. The first bracket further comprises a bar, and the second bracket includes an attachment portion that is substantially C-shaped. The attachment portion is detachably connected to the bar.

As discussed with regard to claim 17, Willey does not teach or suggest a break-away mounting system that includes a first bracket connected to the motorcycle riser. Rather, Willey discloses a mounting system for a motorcycle accessory. The system includes a pair of anchors 60, 66 that are supported by a bracket 54 that includes left and right hand halves 56, 58. The left and right hand halves are secured to the upper portion of the fork assembly 12. A latch mechanism housing 74 attaches to the anchors 60, 66 to attach the accessory to the fork assembly 12. The Willey device is not connected to a riser.

Furthermore, Willey discloses a mounting system that attaches a windscreen to a motorcycle. While Willey states that other accessories can be attached using the device, Willey does not disclose using the mounting system to attach an electronic device to the motorcycle.

In light of the foregoing, Willey fails to teach or suggest each and every limitation of claim 33. As such, claim 33 is allowable. Claims 34-38 and 47 depend from claim 33 and are also allowable.

Amended claim 39 defines a break-away mounting system for mounting an electronic device to a motorcycle riser. The riser includes an upper portion, a lower portion, and a fastener that cooperate to attach a handlebar to a motorcycle. The break-away mounting system includes a first bracket that is connected to the riser. The fastener is operable to attach

the first bracket, the upper portion, and the lower portion to one another. A bar includes a first end and a second end. The bar is attached to the first bracket. A second bracket is connected to the electronic device. The second bracket includes a first clamp portion attachable to the bar near the first end and a second clamp portion attachable to the bar near the second end. The first clamp portion and the second clamp portion are detachably connected to the bar.

As discussed with regard to claim 33, Willey does not teach or suggest a first bracket that is connected to the riser. Rather, Willey teaches an accessory mounting system that attaches to the motorcycles forks.

Furthermore, Willey does not teach or suggest a bar attached to the first bracket and a second bracket that includes a first clamp portion that is attachable to a first end of the bar and a second clamp portion that is attachable to a second end of the bar. Rather, Willey discloses a clamp that engages two separate bars. There is no structure disclosed by Willey that engages a first end of the bar and a second end of the same bar.

In light of the foregoing, Willey fails to teach or suggest each and every limitation of claim 39. As such, claim 39 is allowable. Claims 40-41 and 43-45 depend from claim 39 and are also allowable.

### **CONCLUSION**

In light of the foregoing, Applicants respectfully submit that claims 17-19, 21-23, 33-41 and 43-47 are allowable.

The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TL J Otterlee', with a long horizontal flourish extending to the right.

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